

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2555/2022
CM Nos. 4376/2024, 7194/2023 & 7039/2022

Ashna Grover & Ors.

...Petitioner(s)/Appellant(s)

Through: Mr. Abhinav Sharma, Sr. Adv. with Mr. Abhirash Sharma, Adv (Through VC)

Vs.

High Court of J&K and Ladakh Through Registrar General & Ors.

...Respondent(s)

Through: Mr. Aditya Gupta, Adv. for 1 (through VC)
Mr. Rahul Pant, Adv. with Mr. Aswad Attar, Adv. for 2.
Ms Veenu Gupta, Adv. for 3 (through VC)

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE

HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

ORDER
30.08.2024

The present petition has been filed by the petitioners who are aggrieved by the appointment of respondent No. 2 as Junior Assistant with retrospective effect which places the respondent No. 2 over and above the petitioners.

The brief facts of this case are as follows:-

The petitioners were all appointed as Junior Assistants vide Order No. 935 of 2021/RG dated 26.02.2021. The respondent No. 2 who was initially appointed as an Orderly on 23.12.2017 on compassionate basis upon the demise of his father, in terms of Jammu and Kashmir (Compassionate Appointment) Rules, 1994. He, however, upon acquiring the qualifications making him eligible for appointment to the post of Junior Assistant, he applied to the High Court for his compassionate appointment for the post of Junior Assistant. The High Court appointed him on compassionate basis on the post of Junior Assistant with retrospective effect from the date on which he was appointed as an Orderly from 23.12.2017. Therefore, the respondent No. 2 would now be placed over and above the petitioners herein in the seniority list.

Though this case has been argued on several occasions, upon suggestion put forth by this Court whether the respondent No. 2 accedes to be placed at the end of the seniority list of Junior Assistants, below the petitioners herein, learned counsel appearing on behalf of respondent No. 2 after conferring with his client and upon the instructions of his client has informed the Court that his client accedes to the said proposal and that he has no objection if his name be placed at the end of the merit list after the present petitioners.

Learned counsel for the petitioners Mr. Abhinav Sharma accepts that if the said proposal is given effect to, the petitioners have no further grievance to redress.

Under the circumstances, this petition is disposed of with a direction that the respondent No. 2 shall be placed at the end of the seniority list below the petitioners herein and the seniority of the respondent No. 3 shall remain unaffected.

Meanwhile, all interim orders passed earlier shall stand vacated.

(MOHAMMAD YOUSUF WANI)
JUDGE

(ATUL SREEDHARAN)
JUDGE

SRINAGAR:
30.08.2024
Altaf